



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,854	11/07/2001	Yoko Kikuta	15689.87	9812

22913 7590 08/04/2004

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &
SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

DOAN, KIET M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,854

Applicant(s)

KIKUTA ET AL.

Examiner

Kiet Doan

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☒ Certified copies of the priority documents have been received in Application No. 2000-343887.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/07/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 5, 8, 9, 10, 11, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant (Patent No. 6,259,782).

Consider **claims 1 and 5**, Gallant teaches a mobile communication method for controlling a transfer switching during communication between a plurality of terminals sharing a same number and a communication control station (Abstract, Col 8, lines 39-65 teach terminals using one number/switching during communication) wherein any one of said plurality of terminals comprises steps of: determining whether or not to switch a transfer to any of the terminals sharing the same number (Page 9, lines 1-10 teach switch /GLR identification number know as such whether or not to switch) authenticating, if it is determined that the transfer is to be switched, one of said terminals sharing the same number to which the transfer is switched (Col 3, lines 55-65, Col 7, lines 13-29 teach authentication) and outputting a transfer switching request according to the authenticated terminal to said communication control station (Col 4, lines 25-45

teach sending a request message/switch know such as outputting switching request) and wherein said communication control station comprises a step of: performing a process of switching the transfer to said authenticated terminal based on said transfer switching request outputted from said terminal (Col 4, lines 47-60 operation/switch request).

Consider **claims 4 and 8**, Gallant teaches the mobile communication method wherein said communication control station further comprises steps of: storing a switching request information concerning the transfer switching request corresponding to said each terminal sharing the same number (Col 6, lines 6-20, lines 41-49 teach switching and storing information) determining whether said authenticating terminal or said another authenticated terminal has provided an output (Col 7, lines 30-40 teach authentication) and performing, if it is determined that said another terminal has provided an output, a process of switching the transfer based on said switching request information stored in said storage means (Col 6, lines 55-67, Col 7, lines 55-60 teach operation and switching information from storage).

Consider **claim 9**, Gallant teaches a communication control station for controlling a transfer switching for communication between a plurality of terminals

Art Unit: 2683

sharing the same number (Col 5, lines 22-29, Col 6, lines 21-31 teach PSTN, STP and SS7 with skill in the art those device would have station control for controlling) the station comprises of: storage means for storing a switching request information concerning a transfer switching request corresponding to said each terminal sharing the same number (Col 6, lines 6-20, lines 41-49 teach switching and storing information) and control means for performing a transfer switching process based on said switching request information stored in said storage means (Col 6, lines 28-48 teach control switch and storage information).

Consider **claim 10**, Gallant teaches the communication control station wherein said switching request information stored in said storage means includes at least the same number shared among terminals, a device number, a location information and an availability flag (Col 7, lines 55-66 teach storing information) wherein the location information and the availability flag correspond to the device number (Col 6, lines 46-55 teach information storage and availability through the use of operation).

Consider **claims 11 and 12**, Gallant teaches a terminal device (Method) for controlling a transfer switching for communication between other terminals sharing a same number (Col 7, lines 1-13 teach terminals communication same number) the device comprises of: detection means for detecting a terminal available for the same number (Col 6, lines 56-61 teach operation require a permanent phone number/terminal assigned means as such detecting terminal

Art Unit: 2683

available same phone number) transfer request means for performing a transfer request to the detected terminal available for the same number (Col 6, lines 6-20, teach switching means as such transfer) and authentication request means for performing an authentication request based on said transfer request received from said terminal available for the same number (Col 7, lines 12-21, lines 40-47 teach authentication and terminal available).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant (Patent No. 6,259,782) in view of Amereller et al. (Pub. No. 2001/0039188).

Consider **claims 2, 3, 6, 7**, Gallant teaches the invention as disclosed in claims 1 and 5, but fail to teach the mobile communication method wherein if said one terminal is communicating this terminal automatically authenticates one of the other terminals with which said terminal can communicate by using the same number and the authenticating terminal outputs a transfer switching request according to said another authenticated terminal to said communication control station. In an analogous art, Amereller teaches "Position-Dependent Call Diversion", Further, Amereller disclosed the mobile communication method wherein if said one terminal is communicating this terminal automatically authenticates one of the other terminals with which said terminal can communicate by using the same number (Page 1, Paragraph 0007 teach automatic to other terminals) and the authenticating terminal outputs a transfer switching request according to said another authenticated terminal to said communication control station (Page 2, Paragraph 0014 and 0015 teach authentication and to switch).

Therefor, it would have been obvious at the time of the invention was made that person having ordinary skill in the art to include, within Gallant system, position-dependent call diversion, as taught by Amereller to modify the system so that can provided to the users continue communication when batteries of the mobile terminal exhaustion.

Conclusion

The prior art made of record and not relied upon is consider pertinent to applicant's disclosed:

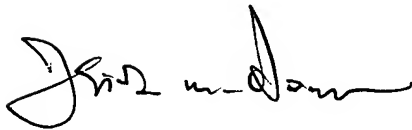
- | | |
|------------------------|------------------------------------|
| 1. Chapman, Jr. et al. | Patent No. 6,690,933 |
| 2. Ishii et al. | Patent No. 6,643,524 |
| 3. Bales et al. | Patent No. 5,390,241 |
| 4. Wako | Patent No. 6,687,605 |
| 5. Ueda | Patent No. 6,469,994 |
| 6. Aucoeur | Patent No. 6,434,385 |
| 7. kanabar | Patent No. 6,668,166 |
| 8. Akheruman et al. | Patent No. 6,449,483 |
| 9. Thomas Colgan | UK Patent Application GB 2,303,023 |
| 10. Gallant | Patent No. 6,259,782 |
| 11. Amereller et al. | Pub. No. 2001/0039188 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600